

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
v.                             )                                   Case No. 19- 01185  
                                  )  
\$18,160.00 IN UNITED STATES CURRENCY, )  
More or less,                 )  
                                  )  
Defendant.                    )  
                                  )

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**COMPLAINT FOR FORFEITURE IN REM**

Plaintiff, United States of America, by and through its attorneys, Stephen R. McAllister, United States Attorney for the District of Kansas, and Aaron L. Smith, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

**NATURE OF THE ACTION**

1. This is an action to forfeit and condemn to the United States of America, the defendants identified above, and further identified herein, for violations of 21 U.S.C. §§ 841 and 846.

**THE DEFENDANT IN REM**

2. The defendant is \$18,160.00 in United States Currency, more or less, seized by the United States Probation Office (USPO) on or about December 05, 2017 at 7704 E. 31st Street Circle North, in Wichita, Sedgwick County, in the District of Kansas.

**JURISDICTION AND VENUE**

3. Plaintiff brings this action in rem in its own right to forfeit and condemn the defendant personal property pursuant to 21 U.S.C. § 881 (a)(6).

4. This Court has *in rem* jurisdiction over this action under 28 U.S.C. §§ 1345 and 1335.

5. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. 1335(b). Upon filing this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* for the defendants pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon these defendants pursuant to 28 U.S.C. § 1335(d) and Supplemental Rule G(3)(c).

6. Venue is proper in this district pursuant to 28 U.S.C. § 1335(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

#### **BASIS FOR FORFEITURE**

7. The defendant is subject to forfeiture to the United States pursuant to 21 U.S.C. §881(a)(6), as it constitutes or was derived from proceeds traceable to, or used to facilitate, violations of 21 U.S.C. §§ 841 and 846.

#### **FACTS**

8. Supplemental Rule G(2)(f) requires this Complaint to state sufficiently detailed facts to support a reasonable belief that the government will be able to meet its burden of proof at trial. Such facts and circumstances supporting the seizure and forfeiture of the defendants are contained in Exhibit A which is attached hereto and incorporated by reference.

#### **CLAIM FOR RELIEF**

9. Plaintiff repeats and realleges each and every allegation set forth in Paragraphs 1 through 8, above.

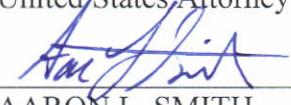
10. As a result of the foregoing, the defendant is liable to condemnation and to forfeiture to the United States for its use, in accordance with 21 U.S.C. § 881(a)(6).

WHEREFORE, the plaintiff requests that notice of this action be given to all persons who reasonably appear to be potential claimants of interests in the defendant; that the defendant be forfeited and condemned to the United States of America; that the plaintiff be awarded its costs and disbursements in this action; and, for such other and further relief as this Court deems proper and just.

The United States hereby requests that trial of the above entitled matter be held in the City of Wichita, Kansas.

Respectfully submitted,

STEPHEN R. McALLISTER  
United States Attorney

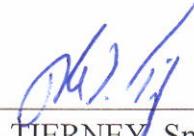
  
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KS S.Ct. No. 20447

**DECLARATION**

I, Neal Tierney, am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives. I have read the contents of the foregoing Complaint for Forfeiture, and the exhibit thereto, and the statements contained therein are true to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 18<sup>th</sup> day of July, 2019.

  
\_\_\_\_\_  
NEAL TIERNEY, Special Agent  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives

**AFFIDAVIT**

I, Neal Tierney, being duly sworn, hereby depose and say:

I am employed as a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and is charged with investigating violations of Federal Firearms and Explosives Laws. I have been employed with ATF since August of 1992.

This affidavit is made in support of a Complaint for Forfeiture in Rem for the following property: \$18,160.00 in United States currency, more or less, seized by the United States Probation Office (USPO).

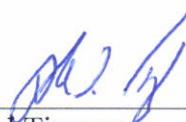
The facts set forth in this affidavit are based upon my personal observations, my training and experience, information obtained from other law enforcement officers and witnesses, and other sources of information. This affidavit is in support of a complaint for forfeiture *in rem* and does not purport to set forth all of my knowledge of or investigation into this matter.

**PROBABLE CAUSE**

1. On or about December 5, 2017, United States Probation (USPO) officers were contacted by members of the United States Marshal Service (USMS) after the USMS had stopped a rental vehicle driven by Ian Hudson in Wichita, Sedgwick County, in the District of Kansas. Hudson ran from the vehicle while it was still running, occupied and moving and was not apprehended. When USP officers responded to the car stop location they were advised that a firearm was found and later seized from the driver's seat of the vehicle. Based upon this reasonable suspicion, USP officers conducted a search of the stopped rental vehicle pursuant to Ian Hudson's condition of supervision.
2. In the front seat of the vehicle, USP officers located a loaded Sig Sauer P250 .45 caliber handgun, and in the trunk a black duffle bag. The duffle bag contained a large zip lock bag containing 459 grams of marijuana, multiple containers of THC wax, a digital scale and empty plastic baggies. Also found in the vehicle was a rental agreement that listed Ian Hudson as the renter of the vehicle.
3. Ian Hudson and Ian's brother, Tyrone Hudson, were both known by USP officers to be staying at 7704 E. 31<sup>st</sup> Street Circle North, Wichita, Kansas. This location was within a few blocks of where the car stop had occurred. Knowing that Ian Hudson ran from the car stop and that Tyrone Hudson was wanted on a felony arrest warrant, law enforcement officers entered the residence pursuant to Ian Hudson's condition of supervision. During the search, USP officers seized \$18,160.00 in U.S. currency, more or less, from the trunk of a vehicle belonging to Ian Hudson that was parked in

the attached garage of the residence. Also found in the vehicle were employment documents belonging to Ian Hudson.

4. USP officers determined that the \$18,160.00 in currency was inconsistent with Ian Hudson's reported earnings from verified employment.
5. Based on the foregoing, I have probable cause to believe that the currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes 1) money, negotiable instruments, securities and other things of value furnished or intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; and/or 2) proceeds traceable to such an exchange; and/or 3) money, negotiable instruments, and securities used or intended to be used to facilitate a violation of the Controlled Substances Act.

  
Neal Tierney  
Special Agent  
ATF

Subscribed and sworn to before me on this 18<sup>th</sup> day of July, 2019.

  
Michelle R. Kellogg  
Notary Public

My commission expires: 11/2/22

